

REMARKS

As a result of this amendment, claim 13 has been amended to specify that selected steps are performed while the workpiece is in the automatic adjustable duct machine. It is believed that this amendment will clarify the present invention and distinguish it from the cited prior art. In addition, previously withdrawn claims are now canceled. The applicant reserves the right to continue to prosecute these canceled claims in a divisional patent application.

CLAIM REJECTIONS – 35 USC 103

The Examiner has rejected claims 13 and 15-18 under 35 USC 102(b) as anticipated by Bota (US Patent 6,378,184, hereinafter "Bota '184").

The Examiner recognizes that Bota '184 does not teach or suggest the step e) of claim 13 requiring "rotating the first work piece portion 180 degrees relative to the second work piece portion such that the first work piece portion is angled to the second work piece portion by an angle generally equivalent to twice the angle of the cut;". However, in stating the claims as obvious, the Examiner states that "The method of Bota '184 accomplishes this using a variation of the steps of claim 13 and the final result of the method of Bota '184 is the same as that of the instant application."

The Applicant traverses the Examiner's position for at least the following reasons:

The method of Bota '184 DOES NOT accomplish the invention using a variation of the steps of claim 13 and the final result of Bota '184 is NOT the same as that of the instant application

Bota '184 accomplishes the formation a ninety degree duct member by having the operator remove the duct member from the machine and manually turning the gores of a duct member to position the duct member into a ninety degree configuration.

An improvement provided by the present invention is the prevention of repetitive motion injuries such as the type caused by requiring a machine operator to manually rotate the gores of a duct member into a ninety degree elbow configuration.

The removal of the duct member from the machine to manually configure the duct member into a ninety degree configuration is not a variation of claim 13. Accordingly, the Applicant has further amended the claim to clarify that steps c) through i) are accomplished without removing the tubular work piece from the automatic adjustable duct machine.

The final result of the steps as claimed in claim 13, as amended, is that when the duct member is removed from the machine of the present invention in step j) it is in an angled configuration. This is different in how the duct member of Bota '184 is removed from the machine of Bota '184.

It is further pointed out that the machine of Bota '184 is for duct members known as top take offs that are conical in shape. Using the method of the present invention, wherein the gores are rotated after cutting, with a tapered workpiece in a single workstation is not believed to be possible given the problems related to the change in diameter along the axial length of the tapered work piece which require multiple dies and also present clearance issues with the rotated workpiece.

Claim 13, as amended, is now believed to be distinguished over Bota '184 and therefore claim 13 and dependent claims 15-18 are considered to be in an allowable condition.

CLAIM REJECTIONS – 35 USC 103

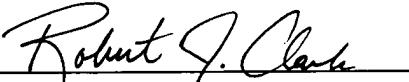
The Examiner has rejected claim 14 under 35 USC 103(a) as being unpatentable over Bota in view of Bellatorre (US Patent 3,010,506).

Claim 14 is dependent upon claim 13, as amended, and is therefore considered to be in an allowable condition.

FINAL REJECTION

The Examiner has made the current rejection final. The applicant believes that the minor amendment presented herein does not require additional searching or effort by the Examiner as the closest art has already been properly identified and is familiar to the Examiner. It is believed that the present amendment clarifies and distinguishes the present invention over the cited references and that entry of the amendment will put the claims in a condition of allowance.

Respectfully submitted,
HAHN LOESER & PARKS, LLP

By 
Robert J. Clark
Reg. No. 45,835
Tel.: (330) 864-5550
Fax: (330) 864-7986